

1 **PRESIDING COMMISSIONER ENG:** Okay.

2 Counselor, are you satisfied that your client's
3 ADA rights have been met?

4 **ATTORNEY STRINGER:** I am, Commissioner. In
5 my judgment, my client can meaningfully
6 participate in this hearing.

7 **PRESIDING COMMISSIONER ENG:** Okay. Thank
8 you. This hearing is being conducted pursuant to
9 the Penal Code and the rules and regulations of
10 the Board of Parole Hearings governing parole
11 consideration hearings for life inmates. The
12 purpose of today's hearing is to once again
13 consider your suitability for parole, and in doing
14 so we'll consider the number and nature of the
15 crimes for which you were committed, your prior
16 criminal and social history, your behavior and
17 programming since your commitment, and your plans
18 if released. We've had the opportunity to review
19 your Central File and you'll also have the
20 opportunity to correct or clarify the record.
21 We'll consider your progress since your
22 commitment, your counselor's reports, and your
23 mental health evaluations. We'll focus on your
24 progress and any new reports since your last
25 hearing, so any changes in parole plans should be
26 brought to our attention. We will reach a
27 decision today and inform you whether or not we

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1 find you suitable for parole and the reasons for
2 our decision. So if you are found suitable for
3 parole --

4 **INMATE SUEGA:** Uh-huh.

5 **PRESIDING COMMISSIONER ENG:** -- then the
6 length of your confinement will be fully explained
7 to you at that time. So before we recess for
8 deliberations, the District Attorney's
9 representative on video, your attorney and you
10 yourself will have an opportunity to make a final
11 statement regarding your suitability for parole,
12 and again, your statement should just be focused
13 on your parole suitability.

14 **INMATE SUEGA:** Uh-huh.

15 **PRESIDING COMMISSIONER ENG:** So we'll then
16 recess, clear the room and deliberate, and once
17 we've completed those deliberations, we will
18 resume the hearing and announce our decision. The
19 California Code of Regulations states that
20 regardless of time served, a life inmate shall be
21 found unsuitable for and denied parole if in the
22 judgment of the panel the inmate would pose an
23 unreasonable risk of danger to society if released
24 from prison. So you have certain rights. Those
25 rights include the right to a timely notice of
26 this hearing, the right to review your Central
27 File, and the right to present relevant documents.

7

1 Okay. Counselor, have your client's rights been
2 met?

3 **ATTORNEY STRINGER:** As to those rights, yes,
4 Commissioner.

5 **PRESIDING COMMISSIONER ENG:** Okay. And you
6 have the additional right to be heard by an
7 impartial panel. Okay. You've been introduced to
8 the panel, and do you have any objections?

9 **INMATE SUEGA:** No.

10 **PRESIDING COMMISSIONER ENG:** Okay.
11 Counselor, do you have any objections to the
12 panel?

13 **ATTORNEY STRINGER:** I do not.

14 **PRESIDING COMMISSIONER ENG:** Sir, you'll
15 receive a copy of our written tentative decision
16 today, and that decision becomes final within 120
17 days, so a copy of the decision and a copy of the
18 transcript will be sent to you. On May 1st of
19 2004, the regulations regarding your right to
20 appeal a decision made at this hearing were
21 repealed, so now you have to go through the courts
22 in order to appeal --

23 **INMATE SUEGA:** Uh-huh.

24 **PRESIDING COMMISSIONER ENG:** -- and if you
25 have any questions about that process, you can
26 talk with your legal counsel, or you could see if
27 you can review the policy at your prison law

8

1 library. So you're not required to admit to or
2 discuss your offense, however, the panel does
3 accept as true the findings of the court.

4 INMATE SUEGA: Uh-huh.

5 PRESIDING COMMISSIONER ENG: Do you
6 understand what that means?

7 INMATE SUEGA: Yes.

8 PRESIDING COMMISSIONER ENG: So Commissioner
9 Filangeri, do -- is there any confidential
10 material in the file that will be used today?

11 DEPUTY COMMISSIONER FILANGERI: There is
12 none.

13 PRESIDING COMMISSIONER ENG: Okay. I did
14 not pass the hearing checklist around. Mr.
15 Jacobs, I'm sorry I --

16 DEPUTY DISTRICT ATTORNEY JACOBS: Yes?

17 PRESIDING COMMISSIONER ENG: -- I forgot to
18 check with you to see if you have all the same
19 exhibits as we do. Items 1 through 5 are checked
20 off?

21 DEPUTY DISTRICT ATTORNEY JACOBS: Yes.

22 PRESIDING COMMISSIONER ENG: Under 5,
23 "Notices and Responses"?

24 DEPUTY DISTRICT ATTORNEY JACOBS: Yes.

25 PRESIDING COMMISSIONER ENG: Okay. The
26 legal documents, we have the Probation Officer's
27 Report, the Abstract --

1 DEPUTY DISTRICT ATTORNEY JACOBS: Yes.

2 PRESIDING COMMISSIONER ENG: -- Abstract of
3 Judgment and Sentencing transcripts.

4 DEPUTY DISTRICT ATTORNEY JACOBS: Yeah.

5 PRESIDING COMMISSIONER ENG: Okay.

6 DEPUTY DISTRICT ATTORNEY JACOBS: Yes.

7 PRESIDING COMMISSIONER ENG: Okay. And I'm
8 giving that to your legal counsel. And sir, just
9 so you know, we try to sign off on this to make
10 sure that all of us have basically the same set of
11 documents --

12 INMATE SUEGA: Yeah.

13 PRESIDING COMMISSIONER ENG: -- that we're
14 operating from for your hearing.

15 INMATE SUEGA: Right.

16 PRESIDING COMMISSIONER ENG: Okay. Okay.
17 Thank you. That is Exhibit 1. Okay. So
18 Counselor, are there any additional documents to
19 be submitted to the panel this afternoon?

20 ATTORNEY STRINGER: Not at this time,
21 Commissioner. I would reserve the right to submit
22 at a later date, during the course of this
23 hearing, if we have the documents.

24 PRESIDING COMMISSIONER ENG: Oh. All right.
25 Okay. And are there any preliminary objections?

26 ATTORNEY STRINGER: We're ready to proceed.

27 PRESIDING COMMISSIONER ENG: Okay. Fine.

10

1 So will your client be speaking with the panel
2 this afternoon?

3 **ATTORNEY STRINGER:** He will.

4 **PRESIDING COMMISSIONER ENG:** On all matters?

5 **ATTORNEY STRINGER:** Yes.

6 **PRESIDING COMMISSIONER ENG:** Okay. Sir,
7 I'll have to swear you in. Please raise your
8 right hand. Okay. Do you solemnly swear and
9 affirm that the testimony you give at this hearing
10 will be the truth, the whole truth, and nothing
11 but the truth?

12 **INMATE SUEGA:** Yes.

13 **PRESIDING COMMISSIONER ENG:** Okay. So I'm
14 going to read into the record the Statement of
15 Facts, and I'm taking that from the Probation
16 Officer's Report, pages 2 through 3, under
17 "Circumstance of the Offense":

18 "On January 21st, 1989, at
19 approximately 11:30 p.m., there was a
20 party at the Veterans of Foreign Wars
21 Hall at 1130 West Anaheim Street,
22 Wilmington. During the party there
23 was a fight in the parking lot and the
24 security guard, also victim, broke up
25 the fight and refused to let any
26 outsiders into the Hall. Within
27 minutes, several West Side Wilmas,

11

1 W-I-L-M-A-S, gang members arrived and
2 they were armed with bats and pipes,
3 and they began beating on the closed
4 door. Then, defendant arrived at the
5 location and he had an Uzi. As he
6 approached the door, he asked his
7 codefendant, Arthur Sierra,
8 S-I-E-R-R-A, quote, 'Should I shoot?'
9 unquote, and his codefendant told him
10 to shoot the door. Defendant then
11 fired 11 rounds into the door, which
12 penetrated the door, and struck the
13 security guard, David Ryan, R-Y-A-N,
14 who was standing in front of the door.
15 He was hit with several bullets and
16 died at the scene. Also, two other
17 victims inside the Hall were hit,
18 Priscilla, P-R-I-S-C-I-L-L-A, Perez,
19 P-E-R-E-Z, age five, hit in the leg
20 area, and Louis, L-O-U-I-S, Cortez,
21 C-O-R-T-E-Z, age 18, also hit in the
22 right leg area. After the shooting
23 defendant and his codefendants fled.
24 Los Angeles police officers were
25 called, and after an investigation,
26 defendant and his codefendants were
27 later arrested."

12

1 Sir, is that an accurate description of what
2 occurred on that evening of January 21st, 1989?

3 INMATE SUEGA: Yes.

4 PRESIDING COMMISSIONER ENG: Whose Uzi was
5 that?

6 INMATE SUEGA: It was Shawn's. We got it
7 from my house. I don't know where he got it. I
8 knew where he got it from, but I don't know who
9 the Uzi belonged to.

10 PRESIDING COMMISSIONER ENG: What was your
11 experience handling weapons up to that point?

12 INMATE SUEGA: None, exactly.

13 PRESIDING COMMISSIONER ENG: I see that you
14 were 18 at the --

15 INMATE SUEGA: Seventeen.

16 PRESIDING COMMISSIONER ENG: Were you -- you
17 were actually 17 at the time --

18 INMATE SUEGA: Yes.

19 PRESIDING COMMISSIONER ENG: -- of the
20 crime? Okay. And you were -- were you a member
21 of a gang?

22 INMATE SUEGA: Not actually a member. I was
23 trying to be. I wanted to be, basically.

24 PRESIDING COMMISSIONER ENG: So tell me,
25 when was the first time you had handled a gun?

26 INMATE SUEGA: Never. Just BB guns.

27 PRESIDING COMMISSIONER ENG: Tell me what an

13

1 Uzi is.

2 INMATE SUEGA: Well, the Uzi that I had was
3 -- I mean, I can tell you from what I've seen now.
4 I know it's -- the Uzi that I had was about that
5 long, I guess, with a clip.

6 PRESIDING COMMISSIONER ENG: And had you
7 ever seen one before?

8 INMATE SUEGA: Yeah, I've seen one before.

9 PRESIDING COMMISSIONER ENG: But you'd never
10 used one.

11 INMATE SUEGA: Never used one before.

12 PRESIDING COMMISSIONER ENG: When you went
13 to this place that night you went armed, correct?

14 INMATE SUEGA: Not me. They took the gun.
15 It was in the car, and they asked me to go get it,
16 and I went and got it out of the car and I brought
17 it out.

18 PRESIDING COMMISSIONER ENG: When you went
19 out that evening with your friends what were you
20 thinking?

21 INMATE SUEGA: We were going back to --
22 well, they were going back, but I was going with
23 them to -- I mean, pretty much to cause havoc. I
24 mean that's what we were going back for. Somebody
25 had threw a bottle at one of the -- one of my
26 friend's car -- or not his car, but the guy that
27 he was with.

1 **PRESIDING COMMISSIONER ENG:** I'm just trying
2 to get a better understanding of what caused you
3 to shoot that weapon at the door.

4 **INMATE SUEGA:** It wasn't a thought, it was
5 just sort of reaction. They were screaming,
6 yelling, and "Shoot the door. Shoot the door,"
7 and it wasn't any intention of anything, really,
8 it was just shooting the door, and I mean I
9 thought about it in an instant, it was quick, it
10 happened quick. They were yelling, "Shoot the
11 door," I turned to Shawn, Shawn says, "Shoot the
12 door," and I shot at the door. Now obviously they
13 were trying to get in, and that was the obvious
14 thing. They were hitting on the door, saying they
15 were trying to get in, but once I shot the door, I
16 ran.

17 **PRESIDING COMMISSIONER ENG:** So you stated
18 that you were -- you had wanted to be part of this
19 gang.

20 **INMATE SUEGA:** Yes, at the time. I was a
21 kid. But not that particular gang.

22 **PRESIDING COMMISSIONER ENG:** Well, how'd you
23 end up with the -- with your codefendants?

24 **INMATE SUEGA:** Oh, one of the individuals
25 that was with them were friends with -- they were
26 -- he was in the car at the time, friends of one
27 of them, and then he came and asked me to go with

15

1 him, and I went with him, and I just rammed the
2 door.

3 **PRESIDING COMMISSIONER ENG:** So originally
4 you did not have the gun in your hand, somebody
5 handed to you.

6 **INMATE SUEGA:** It was under a car seat, and
7 they told me, "Go get it," and I went and got it,
8 brought it out, came up to the sidewalk, and they
9 -- Sierra -- Artie was hitting on the door, Sierra
10 was hitting on the door, banging on the door, and
11 he was yelling, "Shoot the door. Shoot the door,"
12 and Shawn was standing next to me, actually,
13 Shawn, and I turned to Shawn. Shawn says, "Shoot
14 the door. Shoot the door," and I shot the door.

15 **PRESIDING COMMISSIONER ENG:** Did it ever
16 occur to you to hand the gun to Shawn?

17 **INMATE SUEGA:** No. Now it does, but I
18 should've. Well, I actually should've just not
19 picked up the gun or went at all, but I mean,
20 that's in hindsight, you know, reliving what I
21 could've done at the time. So there was a lot of
22 things I could've done not to even place myself in
23 that situation.

24 **PRESIDING COMMISSIONER ENG:** Were you on
25 drugs at the time, or drunk?

26 **INMATE SUEGA:** I was drunk on alcohol.

27 **PRESIDING COMMISSIONER ENG:** Back then did

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1 you have a drinking problem?

2 INMATE SUEGA: I drank a lot. I was in --

3 PRESIDING COMMISSIONER ENG: What drugs were
4 you doing back then?

5 INMATE SUEGA: Cocaine, marijuana.

6 PRESIDING COMMISSIONER ENG: How often?

7 INMATE SUEGA: At one time practically every
8 day, weed and cocaine.

9 PRESIDING COMMISSIONER ENG: Because I see
10 here, when I take a look at your previous record?

11 INMATE SUEGA: Uh-huh.

12 PRESIDING COMMISSIONER ENG: It's quite
13 extensive as a juvenile, dating back to the time
14 that you were age 13. Do you remember that? Back
15 -- it says in 1985. Well, you started stealing
16 developed photos, and then went right into the
17 selling rock cocaine, selling cocaine, possession
18 of cocaine. What got you into that?

19 INMATE SUEGA: Well, I mean, you can look at
20 what I've done and it's on paper, but I mean I've
21 often looked at how did -- what led up to that --
22 you know, those moments in time, and at the time
23 my parents had just got divorced and we had moved
24 out here to Los Angeles, and it was sort of
25 culture shock coming from Hawaii to here, and, you
26 know, with a father also was a alcoholic, he
27 couldn't raise five kids. My mom didn't know

17

1 where we were. He removed us without her
2 knowledge. So we got here. There's almost no
3 supervision to little supervision, and once I ran
4 away there was none, and I fell into the drug and
5 gang culture basically. I mean I sought there to
6 try to look for a false sense of identity, and
7 that's what I said, trying to be. I tried to fit
8 in basically, and I tried to fit into to what was
9 out there, gangs, drugs, and I sought the approval
10 there, so, you know, that was where I went to try
11 to find a false sense of identity there.

12 PRESIDING COMMISSIONER ENG: During this
13 period you said that your family had moved from
14 Hawaii.

15 INMATE SUEGA: Uh-huh.

16 PRESIDING COMMISSIONER ENG: Okay. When did
17 you parents split? What year was that?

18 INMATE SUEGA: 'Eighty-four.

19 PRESIDING COMMISSIONER ENG: Okay. So your
20 problems with getting caught started right after
21 that, in 1985.

22 INMATE SUEGA: Yeah.

23 PRESIDING COMMISSIONER ENG: Okay. Who were
24 you living with? Were you living with your mother
25 or your father?

26 INMATE SUEGA: My father brought us out
27 here.

18

1 **PRESIDING COMMISSIONER ENG:** When you
2 started having these problems with the drugs what
3 did your father say to you?

4 **INMATE SUEGA:** Well, I had ran away from
5 home by that time, and I ran away from home and
6 was pretty much living with a friend's mother
7 family.

8 **PRESIDING COMMISSIONER ENG:** And I see that
9 your probation violations and your getting caught
10 all along for the cocaine didn't stop, and you
11 continued to have run-ins with the Los Angeles
12 Police Department, all leading up to your life
13 crime. Take a look at your personal background.
14 It states that you were born July 19th, 1971, and,
15 oh, you were born in American Samoa?

16 **INMATE SUEGA:** Yes.

17 **PRESIDING COMMISSIONER ENG:** But when did
18 your folks move to Hawaii?

19 **INMATE SUEGA:** As soon as I was born.

20 **PRESIDING COMMISSIONER ENG:** As soon as your
21 born?

22 **INMATE SUEGA:** Uh-huh.

23 **PRESIDING COMMISSIONER ENG:** Okay. How many
24 siblings do you have?

25 **INMATE SUEGA:** Six now. It was five then.

26 **PRESIDING COMMISSIONER ENG:** Are you the
27 youngest, oldest?

19

1 INMATE SUEGA: Oldest.

2 PRESIDING COMMISSIONER ENG: You're the
3 oldest.

4 INMATE SUEGA: Yes.

5 PRESIDING COMMISSIONER ENG: Okay. So all
6 your siblings were born in Hawaii?

7 INMATE SUEGA: Yes.

8 PRESIDING COMMISSIONER ENG: So your father
9 worked on military bases. Your mother was a
10 housewife and raised seven children while your
11 father worked. So now -- okay. You currently
12 have two brothers in Hawaii and four sisters, and
13 those sisters reside in Seattle, Washington; is
14 that correct?

15 INMATE SUEGA: Yes.

16 PRESIDING COMMISSIONER ENG: Okay. So
17 you're the only one in California or did miss one?

18 INMATE SUEGA: The one here. The only one
19 here.

20 PRESIDING COMMISSIONER ENG: Okay. So after

21 your folks divorced did your -- was it just you
22 that came with your father, or did all your
23 siblings come also?

24 INMATE SUEGA: All of us came. My father
25 brought all of us.

26 PRESIDING COMMISSIONER ENG: Okay.

27 INMATE SUEGA: It was just a period where,

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1 you know, growing up in Hawaii, we had a extended
2 family, so all of my cousins were friends,
3 everyone were pretty much involved in everyone's
4 life, and when we came here it sort of
5 disappeared, and so now I was amongst a bunch of
6 strangers and, you know, the gangs and drug
7 culture in L.A., you know, just basically opened
8 up in a sense there. I just got caught up in, and
9 I got caught up in the falseness of that. I
10 wanted to belong, and that was somewhere where I
11 could find acceptance and look for acceptance, and
12 they used me. I was used, basically. And so, you
13 know, in a sense -- and I realize that now and,
14 you know, it's too late, you know, in a sense, but
15 I can't even say that. It's not too late, because
16 I have changed, and I have made the necessary
17 changes to both reflect on how I got to where I
18 got to, and to make those changes, and so, you
19 know, I know I've gotten to a point in my life
20 where those changes were made, and then I can now
21 turn towards other youth to try to improve their
22 life and using my life as an example of how I got
23 caught up in a sense, so I mean --

24 PRESIDING COMMISSIONER ENG: But your mother
25 stayed in Hawaii?

26 INMATE SUEGA: Yes.

27 PRESIDING COMMISSIONER ENG: Was there ever

21

1 an option for you to stay in Hawaii, or did you
2 have to move to L.A.?

3 INMATE SUEGA: Well, they made the choice in
4 I think '85 to take my sisters with my mother, and
5 my -- me and my brother had to stay with my
6 father, so they decided to split us up and just
7 keep the boys with my father and basically the
8 girls with my mother.

9 PRESIDING COMMISSIONER ENG: Are you still
10 in touch with everyone?

11 INMATE SUEGA: Yes.

12 PRESIDING COMMISSIONER ENG: All right. Are
13 both parents still alive?

14 INMATE SUEGA: My father passed away in
15 '92--

16 PRESIDING COMMISSIONER ENG: Okay.

17 INMATE SUEGA: -- while I was in prison.

18 PRESIDING COMMISSIONER ENG: But your
19 mother, you're still in touch with your mother and
20 she's still back in Hawaii?

21 INMATE SUEGA: Yes.

22 PRESIDING COMMISSIONER ENG: And you're in
23 touch with all your sisters?

24 INMATE SUEGA: Yes, my sisters, my aunts and
25 cousins.

26 PRESIDING COMMISSIONER ENG: And your
27 brothers too?

22

1 INMATE SUEGA: Yeah.

2 PRESIDING COMMISSIONER ENG: Have any of
3 them had any problems with --

4 INMATE SUEGA: No.

5 PRESIDING COMMISSIONER ENG: -- the law?

6 INMATE SUEGA: No.

7 PRESIDING COMMISSIONER ENG: Is there
8 anything that I may have missed in terms of your
9 previous record or your personal life? Do you
10 have any children?

11 INMATE SUEGA: Yes.

12 PRESIDING COMMISSIONER ENG: How many?

13 INMATE SUEGA: Little girl, a daughter.

14 PRESIDING COMMISSIONER ENG: You have a
15 little daughter?

16 INMATE SUEGA: Yes.

17 PRESIDING COMMISSIONER ENG: How old is she?

18 INMATE SUEGA: She's 17 right now.

19 PRESIDING COMMISSIONER ENG: Not so little

20 anymore. INMATE SUEGA: No.

21 PRESIDING COMMISSIONER ENG: Okay. And what
22 about her, do you have contact with her?

23 INMATE SUEGA: Yes, with her grandmother.

24 PRESIDING COMMISSIONER ENG: Where is she?

25 INMATE SUEGA: She's with her grandmother in
26 Long Beach. I talk to her often, or in letters.

27 PRESIDING COMMISSIONER ENG: How about the

1 mother?

2 INMATE SUEGA: I don't know where her
3 mother's at, so she doesn't stay with the
4 grandmother. Grandmother raised my daughter.

5 PRESIDING COMMISSIONER ENG: Okay.

6 INMATE SUEGA: So --

7 PRESIDING COMMISSIONER ENG: Would you say
8 you're close with your daughter?

9 INMATE SUEGA: Yes. I talk to her often, as
10 much as I can on the phone.

11 PRESIDING COMMISSIONER ENG: Does she come
12 up here at all?

13 INMATE SUEGA: Never visits.

14 PRESIDING COMMISSIONER ENG: So you've never
15 -- you haven't seen her in the 16 years you've
16 been --

17 INMATE SUEGA: Just through letters and
18 pictures.

19 PRESIDING COMMISSIONER ENG: Okay.

20 INMATE SUEGA: Part of it is the grandmother
21 doesn't want to expose her right now, I suppose,
22 until she can make up her own decision if she
23 wants to come --

24 PRESIDING COMMISSIONER ENG: Okay.

25 INMATE SUEGA: -- or not. So --

26 PRESIDING COMMISSIONER ENG: Okay.

27 INMATE SUEGA: Which I respect.

24

1 **PRESIDING COMMISSIONER ENG:** Did I miss
2 anything --

3 **INMATE SUEGA:** No.

4 **PRESIDING COMMISSIONER ENG:** -- that we need
5 to add into the record? No?

6 **INMATE SUEGA:** Uh-uh.

7 **PRESIDING COMMISSIONER ENG:** Okay. Okay.
8 I'll pass it on to Commissioner Filangeri to
9 review your post-conviction factors.

10 **DEPUTY COMMISSIONER FILANGERI:** Yes,
11 Commissioner Eng. I want to refer to several
12 documents during this segment of the hearing,
13 first of which is the Correctional Counselor's
14 Report by B. Ebert, E-B-E-R-T, and his signature's
15 not specifically dated, but it's for the
16 Subsequent June 2006.

17 **PRESIDING COMMISSIONER ENG:** Excuse me one
18 second. Mr. Jacobs, can you please mute? Can you
19 please mute? Thank you. Okay.

20 **DEPUTY COMMISSIONER FILANGERI:** Under
21 "Post-Conviction Factors," starting on page 3, it
22 was a long text about everything you've done since
23 your reception, but we're concerned with your
24 behavior primarily since the last time you
25 appeared before the Board, and I think that was
26 3/28/03, although there was -- there appears to
27 have been sort of postponement in December of

25

1 2005?

2 INMATE SUEGA: Uh-huh.

3 DEPUTY COMMISSIONER FILANGERI: I couldn't
4 find any documents about that. What was the
5 reason for the postponement?

6 INMATE SUEGA: In June of 2005?

7 DEPUTY COMMISSIONER FILANGERI: December of
8 2005.

9 PRESIDING COMMISSIONER ENG: December.

10 INMATE SUEGA: December, it was for a new
11 psych report.

12 DEPUTY COMMISSIONER FILANGERI: Was there
13 one in June of 2005 as well?

14 INMATE SUEGA: Yes. The whole week was
15 cancelled, June 16th week, hearings. That whole
16 week was cancelled.

17 DEPUTY COMMISSIONER FILANGERI: Boy, you're
18 in, you're out, you're in, you're out. Anyway, so
19 down about 80 percent of the way down page 4
20 there's -- makes mention of your appearing before
21 the Board on 3/28/03, but there's not really
22 anything remarkable about the rest of the text,
23 other than that's the only document, is the
24 postponement in December of '05. Under "Therapy
25 and Self-Help," there's a lot of stuff since '03.
26 You got at least three chronos from Impact in
27 2005; Changing Your Mindset in 2005; Alcoholics

1 Anonymous in 2005 and 2004, three chronos;
2 Squires, four chronos in 2003, 4 and 5; No More
3 Tears, two chronos in 2005; and Trust, 11 chronos
4 in 2005. What is Trust?

5 **INMATE SUEGA:** Teaching responsibility using
6 -- utilizing sociological training, actually
7 addressing men, as opposed to juveniles, as far as
8 addressing the values that they've adopted that
9 got them in a position where they are in, and
10 having them look at that and changing those values
11 to improve their life.

12 **DEPUTY COMMISSIONER FILANGERI:** Yeah, when I
13 look at the correctional counselor's report, it
14 looks like your Alcoholics Anonymous and Narcotics
15 Anonymous attendance had fallen off, but I saw an
16 AA chrono as recently as September of '06 in the
17 C-File, and an NA chrono as recently as September
18 30th, '06. I also saw an Impact chrono as recently
19 as 6/19/06, and a Squires chrono as recently as
20 6/29/06, which makes sense, because this was
21 probably done for the June 2006 --

22 **INMATE SUEGA:** Uh-huh.

23 **DEPUTY COMMISSIONER FILANGERI:** -- calendar.
24 I've got some new stuff on education. I think the
25 counselor is talking about this document. By the
26 way, did you get any new documents for this
27 hearing, Mr. Stringer?

27

1 **ATTORNEY STRINGER:** I did, Commissioner. I
2 have an updated Board Report, June of '06, and I
3 also have an updated psych report, dated May 22nd
4 of '06.

5 **DEPUTY COMMISSIONER FILANGERI:** Let's see if
6 you got all these things.

7 **PRESIDING COMMISSIONER ENG:** Oh.

8 **ATTORNEY STRINGER:** Now I have some
9 additional documents.

10 **DEPUTY COMMISSIONER FILANGERI:** Well, those,
11 it's all favorable stuff. I mean it's all letters
12 in support of a parolee, which I've given the
13 Commissioner, and more certificates, as well as I
14 thought I saw this document both in the C-File and
15 in this packet. Yeah, here it is, Patton
16 University. There was a transcript dated October
17 6, 2005, and I think that's what the correctional
18 counselor is talking about, this education in the
19 counselor's report, the classes that are
20 documented on this --

21 **INMATE SUEGA:** Uh-huh.

22 **PRESIDING COMMISSIONER ENG:** -- on this
23 document. Anyway, it shows that you carried 51
24 units, you passed 36 units, failed three, with a
25 average of 3.44. It doesn't say when you took
26 those classes though. The counselor's report
27 suggests it was between 2001 and 2005. Does that

28

1 sound right?

2 INMATE SUEGA: Yeah.

3 DEPUTY COMMISSIONER FILANGERI: Okay. Then
4 there's certificates: the Squires program,
5 participation in Trust program, Module Three
6 Addictions, Project Impact. There's also a
7 certificate for Masonry Job Preparation, but
8 actually, I saw a certificate in the C-File where
9 you completed vocational Masonry in February of
10 2000.

11 INMATE SUEGA: Uh-huh.

12 DEPUTY COMMISSIONER FILANGERI: Does that
13 sound right?

14 INMATE SUEGA: Yeah.

15 DEPUTY COMMISSIONER FILANGERI: And I should
16 mention, there's also something in July of 2006
17 for a (inaudible) Curriculum Plumbing Book?

18 INMATE SUEGA: Yes.

19 DEPUTY COMMISSIONER FILANGERI: Are you
20 taking some kind of correspondence in Plumbing?

21 INMATE SUEGA: No, I'm in vocational
22 Plumbing right now at this time.

23 DEPUTY COMMISSIONER FILANGERI: Oh,
24 vocational Plumbing now.

25 INMATE SUEGA: Yeah.

26 DEPUTY COMMISSIONER FILANGERI: Is that your
27 regular assignment?

29

1 INMATE SUEGA: Yes.

2 DEPUTY COMMISSIONER FILANGERI: Forty hours
3 a week.

4 INMATE SUEGA: Yeah.

5 DEPUTY COMMISSIONER FILANGERI: The
6 counselor talked about some Masonry certificates
7 in '99, but of course that all led up to the --

8 INMATE SUEGA: To completion.

9 DEPUTY COMMISSIONER FILANGERI: -- final
10 completion. Two 115s in '92 and '94 for stealing
11 state funds and force and violence, both serious
12 Division Fs. 128s, between '97 and '90, refusing
13 to work, failure to respond to a ducat, contraband
14 twice, cell covers. I think that's all that's
15 pretty much remarkable about the correctional
16 counselor's report. I want to make sure we get
17 all this stuff in here. This is a certificate
18 from the Level One Plumbing, but we already talked
19 about that. Oops. This is a letter from LAPD.
20 ~~We probably won't consider it. I'll give it to~~
21 the Chairman. April 6, 2006, a certificate for
22 San Quentin Trust. This is on -- well, we
23 probably ought to mention this. You apparently
24 got some sort of diploma from the Professional
25 Career Development Institute. I say some sort of
26 diploma not to belittle it, but it doesn't say
27 Associate in Arts or BS, or anything like that.

30

1 INMATE SUEGA: That was --

2 DEPUTY COMMISSIONER FILANGERI: Was it some
3 sort of college level class?

4 INMATE SUEGA: Sort of vocation --
5 vocational.

6 DEPUTY COMMISSIONER FILANGERI: Vocational.
7 Oh, I see. Okay. And so it was because you
8 completed the Paralegal course --

9 INMATE SUEGA: Uh-huh.

10 DEPUTY COMMISSIONER FILANGERI: -- with a
11 Civil Litigation specialty.

12 INMATE SUEGA: It's a home study course.

13 DEPUTY COMMISSIONER FILANGERI: Okay. But
14 it's not the one from Squires. It is not dated,
15 but it's pretty high up in the C-File, so I got to
16 think it's pretty recent, since 2003?

17 INMATE SUEGA: Uh-huh.

18 DEPUTY COMMISSIONER FILANGERI: It's a
19 certificate for participation in Squires. Is
20 Squires still going on?

21 INMATE SUEGA: Yes.

22 DEPUTY COMMISSIONER FILANGERI: Still a
23 member?

24 INMATE SUEGA: Yes.

25 DEPUTY COMMISSIONER FILANGERI: When's the
26 last time you did a program?

27 INMATE SUEGA: This past Saturday, San

1 Francisco.

2 DEPUTY COMMISSIONER FILANGERI: Okay.

3 INMATE SUEGA: Probation Department --

4 DEPUTY COMMISSIONER FILANGERI: Here's a

5 March --

6 INMATE SUEGA: -- Omega Boys Club.

7 DEPUTY COMMISSIONER FILANGERI: I'm sorry.

8 I didn't mean to interrupt.

9 INMATE SUEGA: Omega Boys Club in San

10 Francisco.

11 DEPUTY COMMISSIONER FILANGERI: So how many

12 kids did they send over?

13 INMATE SUEGA: Twenty-two.

14 DEPUTY COMMISSIONER FILANGERI: And how many

15 of you guys are there in a visit like that?

16 INMATE SUEGA: There's -- with people going

17 to visits and everything, maybe about 15, 16.

18 DEPUTY COMMISSIONER FILANGERI: So that's

19 what they do, they come in to visiting?

20 INMATE SUEGA: No, they bring them to --

21 down in the yard, education, and about eight hours

22 of talking to them, show them the cells and living

23 conditions basically, and basically present their

24 choice. It's a option in their life.

25 DEPUTY COMMISSIONER FILANGERI: Give them

26 the tour.

27 INMATE SUEGA: Yeah.

1 DEPUTY COMMISSIONER FILANGERI: Here's a
2 certificate on March 21st, 2005, from Module Three
3 of Impact. A certificate from the Trust program,
4 not dated, but I seem to remember this was high up
5 in the file. Is this pretty recent?

6 INMATE SUEGA: Yes.

7 DEPUTY COMMISSIONER FILANGERI: And then
8 here's a letter from Patton University. Do you
9 recall this letter?

10 INMATE SUEGA: Yes.

11 DEPUTY COMMISSIONER FILANGERI: What's the
12 most important thing about it?

13 INMATE SUEGA: About the letter?

14 DEPUTY COMMISSIONER FILANGERI: Uh-huh.

15 INMATE SUEGA: I mean my character, or my
16 wish to learn, my wish to better myself, and my
17 ability to do so.

18 DEPUTY COMMISSIONER FILANGERI: Yeah, I like
19 the second paragraph in here, at least the first
20 half of it. "Harrison is a joy to have as a
21 student. He listens" -- by the way, this is
22 submitted by Nicole Lindahl, L-I-N-D-A-H-L,
23 Program Administrator, San Quentin College
24 Program. She says:

25 "Harrison is a joy to have as a
26 student. He listens intently to his
27 peers and never dominates

1 conversations, yet when he makes a
2 comment, it is incredibly thoughtful
3 and astute. His impressive ability to
4 analyze complex ideas and systems
5 elevates class discussion and pushes
6 his fellow students to a more
7 sophisticated level of analysis. Like
8 other intellectual mature students,
9 Harrison possesses a quiet confidence
10 in his academic abilities, and yet he
11 stands out as a result of his constant
12 pursuit of opportunities for
13 self-improvement."

14 Have you got your AA degree yet?

15 **INMATE SUEGA:** No. I need six more classes,
16 18 credits.

17 **DEPUTY COMMISSIONER FILANGERI:** Okay. Does
18 that pretty much cover everything in terms of
19 prison behavior that we should be looking at?

20 **INMATE SUEGA:** Yes.

21 **DEPUTY COMMISSIONER FILANGERI:** Is there
22 anything else that you think we need -- you need
23 to call our attention to?

24 **INMATE SUEGA:** Not that I can think of at
25 this time.

26 **DEPUTY COMMISSIONER FILANGERI:** All right.
27 Let's go to the psych report then. This

34

1 evaluation was dated May 22, 2006. It's authored
2 by Michelle Inaba, I-N-A-B-A, Ph.D. I'm going to
3 make reference to the page 2 Clinical Assessment.
4 The examiner finds you to be functioning within
5 normal limits, with a diagnosis -- diagnostic
6 impression on Axis I, Alcohol Dependence in Full
7 Sustained Remission, Cocaine Abuse by History,
8 Cannabis Abuse by History, Conduct Disorder,
9 Adolescent Onset, Type, Severe by History; Axis
10 II: No Diagnosis; Global Assessment of
11 Functioning, 85. The examiner makes an assessment
12 of dangerousness considering several factors.
13 Under "Violence Potential," she points out that
14 you were exposed to violence as a child. You were
15 involved in some fights as an adolescent. You
16 acknowledge that you knew that lethal -- that
17 lethal violence was a part of the gang culture.
18 You've had one 115 for participation in a
19 disturbance between blacks and Hispanic inmates in
20 1994. You've had no rules violations of any kind
21 since '97, and you've participated extensively in
22 self-help and educational programming. You
23 completed your GED and have excelled in college
24 level course work. I should mention the GED was
25 completed in January 31, 1991. Under the factor
26 of release to the community, the examiner finds
27 that you have several risk factors that have been

1 shown in research studies to be statistically
2 correlated with increased risk of violent
3 recidivism. They would include a history of
4 nonviolent offenses, history of drug and alcohol
5 abuse, separation from parents before 16 years of
6 age, never married, victim injury male victim,
7 failure on prior conditional release, male gender
8 and age at index offense. On the other hand, she
9 writes that you do not have any of the dynamic
10 risk factors such as anger, violent thoughts,
11 paranoid view of self as a victim, personality
12 disorder, loss of control, impulsivity, or lack of
13 compassion. In general she talks about your
14 ability to cope with stress using your experience
15 in the institution. She thinks that you've
16 developed an understanding of the causative
17 factors and culpability for crime by saying that
18 you have a better understanding of the factors
19 that resulted in the crime than most individuals
20 evaluated by this examiner. Under "Review of the
21 Life Crime" the examiner points out that you take
22 full responsibility for the crime and state that
23 this, meaning prison, is where you belong.
24 Remorse is evident, and you appear to have put a
25 great deal of effort and emotional energy into
26 understanding your actions. Under "Clinical
27 Comments and Summary," it's way down to the last

1 paragraph on page 5 where the examiner writes:

2 "In many ways Mr. Suega is an
3 exceptional individual who is capable
4 of making a significant contribution
5 to his family and society. The most
6 direct route for him to move closer to
7 that goal would be participation in a
8 therapeutic community program such as
9 Delancey Street. He understands that
10 he would benefit from ongoing
11 substance abuse relapse support in
12 order to overcome his family history
13 of alcoholism as well as his own past
14 drug use. His parole plans are
15 realistic in light of his efforts at
16 self-understanding and growth. He
17 would seem to be at low risk for
18 future violence. Abstinence and
19 participation in twelve step programs
20 ~~should be ongoing."~~ She reinforces
21 this in the next paragraph where she
22 says: "With the stipulation that
23 abstinence and participation in twelve
24 step programs should be ongoing, Mr.
25 Suega would make an excellent
26 candidate for parole consideration at
27 the present time."

1 The examiner seems to have avoided the critical
2 issue of what's your risk factor, potential factor
3 of future risk, not making any clear statement
4 about that, but I think it's implied by saying
5 that you'd be an excellent candidate for parole.
6 Nevertheless, it's not specified. Is there
7 anything else about something in your file that
8 you'd like to call the panel's attention to, think
9 we need to make reference about?

10 **INMATE SUEGA:** Only to the psych report
11 where I made the statement that I belonged in
12 prison, I knew that when I committed the crime
13 that I belonged in prison. I knew that I
14 committed the crime. In court there may have a
15 question of innocence or guilt, but I knew I was
16 guilty and I accepted responsibility then, and I
17 continue to take responsibility for the crime that
18 I committed. I think the psych report, it says an
19 overall view of what -- you know, what would lead
20 ~~up to me basically getting caught up in the same~~
21 situation that I was in then, and what I needed to
22 do in order to stay out of that situation in order
23 to improve my chances of succeeding on parole, and
24 so, I mean, that's what, you know, she discussed,
25 that in order for me to better present myself as a
26 -- to succeed on parole that I would have to, in
27 order to do so, not repeat what I have again,

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1 which obviously put me in a situation where I made
2 some really bad decisions for a span of maybe
3 three to four years.

4 **DEPUTY COMMISSIONER FILANGERI:** Sure.

5 Anything else you want to say to us --

6 **INMATE SUEGA:** No.

7 **DEPUTY COMMISSIONER FILANGERI:** -- about
8 prison behavior or any of these reports?

9 **INMATE SUEGA:** Not at this time.

10 **DEPUTY COMMISSIONER FILANGERI:** Mr.
11 Stringer, anything else in terms of prison
12 behavior you'd like to call the panel's attention
13 to?

14 **ATTORNEY STRINGER:** Oh, I'd just like to
15 reiterate, in the psychological evaluation the
16 doctor does say he'd be at a low risk for future
17 violence.

18 **DEPUTY COMMISSIONER FILANGERI:** Thank you.
19 Back to you, Commissioner Eng.

20 ~~**PRESIDING COMMISSIONER ENG:** Okay. Let's~~
21 talk about your parole plans. Okay. According to
22 the June 2006 Board Report, it states that you'd
23 like to parole to the state of Hawaii because of
24 the amount of family that you have residing there.
25 Does that still hold true?

26 **INMATE SUEGA:** I have parole plans in there
27 to L.A. County now, as a primary, but I still wish

1 to parole there, if the Parole Board allows it,
2 which is in the (inaudible) in the law.

3 **PRESIDING COMMISSIONER ENG:** Well, okay. I
4 do have quite a few letters here. Let me see if--

5 **INMATE SUEGA:** There should be a letter from
6 Liza Munoz of San Pedro, California.

7 **PRESIDING COMMISSIONER ENG:** Liza Munoz,
8 M-U-N-O-Z, Liza, L-I-Z-A. This letter is dated
9 October 31st, 2005. Is that the one you were
10 referring to?

11 **INMATE SUEGA:** Yes.

12 **PRESIDING COMMISSIONER ENG:** Okay. This
13 woman states that she's known you since the early
14 '80s, and that you've remained in constant contact
15 throughout your entire incarceration, and that she
16 says she's willing to extend her house and any
17 necessities "he will need to help him achieve his
18 goals," however there is no address on this
19 letter. So how do you know Ms. Munoz?

20 **INMATE SUEGA:** Munoz.

21 **PRESIDING COMMISSIONER ENG:** Munoz, sorry.

22 **INMATE SUEGA:** It should be a October letter
23 also. But I've known her from when I was a kid
24 and family friend, basically. She's married with
25 kids. They have a stable family environment, and
26 we've known each other since we were children, a
27 family friend.

1 **PRESIDING COMMISSIONER ENG:** So how large --
2 do you have any idea how large her home is?

3 **INMATE SUEGA:** She lives in a two-room
4 apartment.

5 **PRESIDING COMMISSIONER ENG:** A two-room
6 apartment?

7 **INMATE SUEGA:** Yes.

8 **PRESIDING COMMISSIONER ENG:** And where is
9 that apartment?

10 **INMATE SUEGA:** San Pedro, California.

11 **PRESIDING COMMISSIONER ENG:** In San Pedro?

12 **INMATE SUEGA:** Yes.

13 **PRESIDING COMMISSIONER ENG:** But you said
14 she's got a family. So who's living in this
15 apartment right now? Do you have any idea?

16 **INMATE SUEGA:** Yes, her husband Tony and two
17 daughters.

18 **PRESIDING COMMISSIONER ENG:** So where would
19 you end up staying?

20 **INMATE SUEGA:** With them?

21 **PRESIDING COMMISSIONER ENG:** Well, they
22 have, you said, a two-bedroom apartment.

23 **INMATE SUEGA:** Well, even on the couch,
24 basically.

25 **PRESIDING COMMISSIONER ENG:** Does she and
26 her husband both work?

27 **INMATE SUEGA:** Yes.